

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELCHESTER PHILLIPS, JR.,

Plaintiff,

v.

MICHAEL REINHART, *California
Superior Court Judge at Kings County
Superior Court*, and KINGS COUNTY
SUPERIOR COURT,

Defendants.

No. 1:20-cv-01034-DAD-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
FIRST AMENDED COMPLAINT WITHOUT
LEAVE TO AMEND

(Doc. No. 8)

Plaintiff Melchester Phillips, Jr., is a pretrial detainee in the Kings County Jail proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983.

This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 31, 2020, the assigned magistrate judge screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A and determined that it failed to state a cognizable claim for relief. (Doc. No. 5.) Plaintiff was granted leave to file a first amended complaint to attempt to cure the deficiencies identified by the screening order within thirty days. (*Id.* at 12–13.) Plaintiff Phillips timely mailed an amended complaint to this court, which was entered on the docket on August 24, 2020. (Doc. No. 7.)

1 On September 3, 2020, the assigned magistrate judge screened plaintiff's first amended
2 complaint and issued findings and recommendations, recommending that the action be dismissed
3 with prejudice due to plaintiff's failure to state a claim and without leave to amend. (Doc. No. 8.)
4 The findings and recommendations were served on plaintiff and contained notice that any
5 objections were to be filed within thirty days. (*Id.* at 12–13.) No objections were filed, and the
6 time to do so has now passed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
8 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
9 findings and recommendations are supported by the record and proper analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on September 3, 2020 (Doc. No. 8) are
12 adopted in full;
- 13 2. Plaintiff's first amended complaint is dismissed without leave to amend due to
14 plaintiff's failure to state a cognizable claim and because the granting of further
15 leave to amend would be futile; and
- 16 3. The Clerk of the Court is directed to close this action.

17 IT IS SO ORDERED.

18 Dated: November 23, 2020

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20 UNITED STATES DISTRICT JUDGE
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